

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ERIN MCKENNA, :
Plaintiff, : Civil Action No.: 21-cv-00941 (DLC)
v. :
DEFENDANTS' OBJECTION TO
SANTANDER INVESTMENT SECURITIES, : PLAINTIFF'S PROPOSED VOIR
INC., SANTANDER HOLDINGS, USA, INC. : DIRE QUESTIONS
and OMAR KARIUKI, in his individual and :
professional capacities, :
Defendants. :
----- X

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

Mitchell Boyarsky
Anita Wallace Thomas*
Nicole Phe

330 Madison Avenue, 27th Floor
New York, New York 10017

Tel: (212) 413-9019

Fax: (646) 428-2610

mitch.boyarsky@nelsonmullins.com

nicole.phe@nelsonmullins.com

anita.thomas@nelsonmullins.com

*Admitted Pro Hac Vice

Counsel for Defendants

Pursuant to the Scheduling Order entered by this Honorable Court in accordance with Rule 6(B) of the Individual Rules & Practices in Civil Cases [ECF No. 106], Defendants Santander Investment Securities, Inc. (“SIS”), Santander Holdings, USA, Inc. (“SHUSA”),¹ and Omar Kariuki (“Kariuki”) (collectively, “Defendants”) hereby submit their Objections to Plaintiff, Erin McKenna’s (“McKenna” or “Plaintiff”) Proposed Voir Dire Questions [ECF No. 137], dated September 13, 2022, and state as follows:

OBJECTIONS

Defendants previously submitted their Proposed Voir Dire Questions [ECF No. 133] and submits that Defendants’ Proposed Voir Dire Questions should be used by the Court. To the extent the Court considers using a Voir Dire Question proposed by McKenna, Defendants assert the following objections to McKenna’s Proposed Voir Dire Questions.

I. OBJECTIONS TO QUESTIONS IN PART III

A. Question No. 41 – Have you ever had a despite [sic] with your employer about something other than allegations of discrimination or retaliation? If so, what was it about and how was it resolved?

OBJECTION: Defendants object to the ambiguous nature of No. 41.

B. Question No. 74 – Do you believe that people who are sexually assaulted should be blamed for failing to prevent sexual assault?

OBJECTION: Defendants object to the ambiguous to No. 74 on the ground that it asks the panel to prejudge the evidence.

C. Question No. 75 – Do you believe that a person who has been sexually assaulted

¹ SIS and SHUSA together shall be referred to as “Santander.”

can also have negative feelings about other negative events that occur after the assault, even if those things are not as bad as the assault?

OBJECTION: Defendants object to No. 75 on the grounds that it asks the panel to prejudge the evidence.

D. Question No. 79 – Do you think it is fair to require employees to give their employees leave to take care of newborn children, even if it costs the employer extra money to do so?

OBJECTION: Defendants object to No. 79 on the grounds that it asks the panel to prejudge the evidence.

II. RESERVATION OF RIGHTS

Defendants reserve their right to amend, modify, or supplement their objections to McKenna's Proposed Voir Dire Questions before trial.

Dated: September 20, 2022
New York, New York

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

By: /s/ Mitchell Boyarsky
Mitchell Boyarsky
Anita Wallace Thomas*
Nicole Phe

330 Madison Avenue, 27th Floor
New York, New York 10017
Tel: (212) 413-9019
Fax: (646) 428-2610
mitch.boyarsky@nelsonmullins.com
nicole.phe@nelsonmullins.com
anita.thomas@nelsonmullins.com
*Admitted Pro Hac Vice

Counsel for Defendants